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Jewish Rights At International Congresses

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**JEWISH RIGHTS AT
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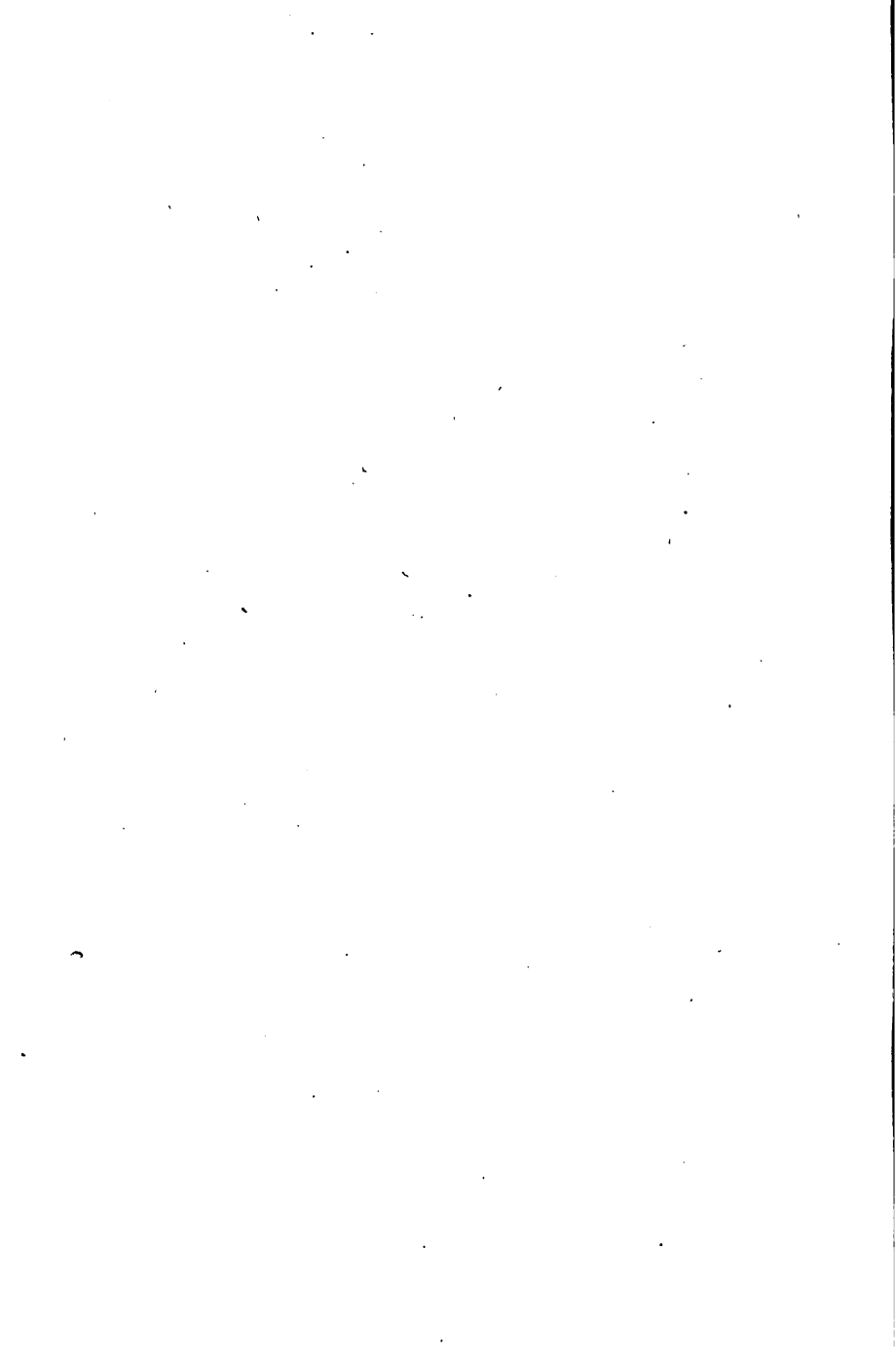
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BY
MAX J. KOHLER

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JEWISH RIGHTS AT INTERNATIONAL CONGRESSES

BY MAX J. KOHLER

In 1833, even in the midst of the reactionary period, following the downfall of Napoleon, at one and the same time did Thomas Babington Macaulay, historian and statesman, deliver his famous address on "The Civil Disabilities of the Jews" in the English House of Commons, and Wolfgang Menzel, German historian and statesman, plead for Jewish emancipation in his own land, writing in impassioned terms: "If we withhold from the Jews their rights as men any longer, we ourselves would deserve to lose our own forever." Incidents like these remind us forcibly that, despite the teachings of history and enlightened statesmanship, not merely in Russia, Roumania, and Morocco have the Jews been deprived in our own day of full civil and political rights, but that even in England, Germany, Belgium, Switzerland, and Italy, Jewish emancipation was achieved only within the past century. Our own beloved country was the pioneer in establishing absolute religious liberty and equality, at the threshold of our national existence; to quote David Dudley Field's famous lines: "First among the nations, we of this country made it an article of organic law, that the relations between man and his Maker were a private concern, into which other men had no right to intrude. To measure the stride thus made for the emancipation of the race, we have only to look back over the centuries that have gone before us, and recall the dreadful persecutions in the name of religion, which have filled the

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world with horror." Largely influenced by this practical and just American precedent and the teachings of great thinkers like Rousseau, Voltaire, Jefferson, Madison, Mirabeau, Abbé Gregoire, Paine, and Dohm, the French Revolution, in its early stages, emancipated the Jews in France, and greatly ameliorated their condition in territories conquered by Napoleon, and particularly in Holland, Italy, and various German states, and formulated in unmistakable terms the principles of religious liberty as fundamental rights of man. In almost the identical language employed by Jefferson and Madison, during the decade beginning in 1776, Mirabeau, in 1787, and Talleyrand, in 1792, protested that the term "toleration" should be discarded, as inadequate to express the fundamental, natural right to liberty of conscience. How deeply nations were then already interlinked in disseminating such views is indicated by the fact that Dohm's famous work, "*Ueber die Bürgerliche Verbesserung der Juden*" (1781), was prepared by this Prussian Christian statesman at the suggestion of Moses Mendelssohn, as an aid toward ameliorating France's Alsatian Jews, that immediately it yielded good results in Emperor Joseph II's Austrian Jewish Toleration Edict of 1782, that Mirabeau prepared what is practically a French summary, in 1787, and that the work was immediately published in translated form in France and Italy. The new era of enlightenment emphasized the need of international justice and good will; and the realization of the fact that, even apart from protecting the varying religious views of the subjects of the various states, international commerce and intercourse, immigration and intermarriage, all demanded the recognition of liberty of conscience as a principle of international law.

The Treaty of Westphalia of 1648, terminating the Thirty Years' War, demonstrated that there could no longer be a universal Catholic Church in Christendom, and that it was futile to endeavor by war to force nations to accept particular religious views. But it merely established the principle for Continental Europe that each sovereign was free to determine the religion which was to prevail in his own land, and allowed the subject holding differing views no alternative but emigration, unless his sovereign otherwise decreed. It was an enormous step forward, when the Congress of Vienna, in 1815, decided that adherents of all Christian creeds should have equal rights in Germany, but fortunately its conclusions were not thus limited and restricted.

THE CONGRESS OF VIENNA¹

The conditions that confronted Europe at the Congress of Vienna in 1814, after the downfall of Napoleon, are likely to find a striking parallel in many important aspects when the peace conference meets at the close of the present war. The Napoleonic Wars, like the struggle in which civilization is now involved, had seen material improvement wrought in the civil and political condition of the Jews. The important question arose whether the concert of the Powers would safeguard these landmarks of civilization, or let each German state arbitrarily deal with them as it chose. The latter alternative was not encouraging, in view of the fact that public opinion was

¹ See fuller treatment of "Jewish Rights at the Congresses of Vienna and Aix-la-Chapelle" in a paper of mine presented at the 1917 meeting of the American Jewish Historical Society, to be published in Vol. 27 of that Society's "Publications," an abstract of which has appeared in the "Menorah Journal," beginning in June, 1917, and works there cited.

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then still inadequately formed, and that there was a strong tendency towards reaction and antagonism towards the French Revolutionary spirit, which had established abhorred revolutionary governments and measures, now unseated or called in question by force of arms. It is to the signal credit of the great statesmen assembled at Vienna that they did not choose the line of least resistance, but, on the contrary, adopted an article restricting individual German states from curtailing Jewish rights, and established absolute religious liberty for unwilling Belgium. It was, moreover, the first time in modern history that Jewish emancipation was officially passed upon at a conference of nations and a resolution in favor of the principle adopted, although its compromised form and the reactionary trend of events prevented the marked improvement in the condition of the Jews of Germany that might have been hoped for as a result. Jewish communities were officially represented at the Congress, though not actually heard at any official sessions, and more effective work was done by those not formally appearing through representatives. The greatest statesmen of Europe publicly espoused the cause of Jewish emancipation, at a time when even in their own lands the Jews generally labored under serious disabilities. Detailed summaries of the debates on the subject have been preserved in Klüber's *Acten des Wiener Congresses*, and some of the memorials submitted on behalf of the Jews are also extant.

In the Kingdom of Westphalia, which Napoleon had established, an effective scheme for Jewish emancipation had been adopted and proclaimed some years before. Karl von Dalberg, the prince primate of the Confederation of the Rhine, had greatly alleviated Jewish disabilities, and granted greatly enlarged rights to the Jews of Frankfort-on-the-Main, on

December 28, 1811, in consideration of large payments in money and bonds, but this edict was repudiated by the municipality in 1814. Bremen and Lübeck had seen Jews at length privileged to settle there, and Hamburg found their rights there greatly enlarged, but in 1814 voted down a confirmation of Jewish emancipation. States like Prussia, in 1812, and Bavaria, in 1813, voluntarily followed the French precedents and enlarged Jewish rights, under the influence of French ideas and the more liberal spirit of the day. But scarcely had Napoleon been conquered, in 1814, than strong efforts were made to repeal all the ameliorating laws which revolutionary and semi-revolutionary governments had enacted, and the Jews eagerly sought relief at Vienna of a Congress entrusted with the duty of establishing a German confederation.

The Jews of Frankfort-on-the-Main were officially represented at the Congress by Jacob Baruch, the father of Ludwig Boerne, and by G. G. Uffenheim, and J. J. Gumprecht. The Jews of three Hanse cities, Hamburg, Bremen, and Lübeck had selected as their representative Dr. Carl August Buchholz of Lübeck, an able Christian jurist who, a short time before, had prepared an illuminating exposition of the duty of Jewish emancipation. Other Jewish communities and prominent individual Jews made unofficial representations to members of the Congress on the subject. Particularly potent was the influence of a galaxy of brilliant Jewesses residing in Vienna at the time, whose salons were frequent meeting-places of the leading statesmen and rulers represented at the Congress. Baroness Fanny von Arnstein, Madam von Eskeles, Rahel Levin von Varnhagen, Madam Leopold Herz, and Dorothea Mendelssohn von Schlegel were the most prominent of these.

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The Congress of Vienna was in session from about the end of September, 1814, until June 9, 1815. An almost innumerable host of potentates and their representatives were in attendance, so that it was practically impossible to accomplish much at formal sessions. Almost all the work was done at conferences of four, five, or nine great Powers. The great majority of the envoys were not admitted even to the formal sessions, while brilliant social entertainments filled up the time. As controversies regarding the disposition to be made of Poland and Saxony, and variances as to establishing a strong German confederation, created almost interminable deadlocks, the Prince de Ligne's famous *bon mot* was justified that "*le congres danse bien, mais il ne marche pas.*" Napoleon's escape from Elba and his re-establishment hurried its work at the close, and left much unaccomplished, which might otherwise have been agreed upon. While Metternich, Wellington, Alexander I of Russia, Hardenberg, Stein, Humboldt, Nesselrode, and Talleyrand were probably its chief figures, von Gagern's statement is substantially correct that the substance of the work of the Congress was carried on by a select group of political experts, consisting of Wessenberg, Clancarthy, Dalberg, Humboldt, Gentz, and La Besnardière.

The subject of Jewish rights came up formally chiefly at the sessions of the Committee on German Affairs, at the beginning, and again at the closing sessions of the Congress, the earlier sessions of this Committee having been suspended without accomplishing anything important. At the session of this Committee, consisting of representatives of Austria, Prussia, Bavaria, Hanover, and Württemberg, Prince Metternich, on October 16, 1814, submitted a draft of twelve articles for a

German Constitution, on behalf of Austria, Prussia, and Hanover, as a basis for discussion. Metternich and Baron von Wessenberg represented Austria at these conferences, Hardenberg and Humboldt, Prussia, and the Count of Münster and Count Hardenberg represented Hanover, then a British possession. Article 2 of this Constitution made it one of the purposes of the proposed confederation to "safeguard internally the constitutional rights of every class of the nation." Prince Wrede, the Bavarian envoy, at once pointed out that this phrase seemed to be too broad, as, especially with respect to the Jews, it might well be considered that in a particular State they were not to enjoy equal privileges with the rest. But he contented himself with the declaration that only constitutional rights were involved, and that no sovereign's rights would thereby be curtailed, if such rights were not defined in the Constitution. He reiterated these objections in a written declaration soon afterwards. At the October 20th session, Württemberg also declared that a fuller and more definite formulation of the constitutional rights of every class of the nation was requisite, in which view Prince Metternich acquiesced. Count Winzingerode also objected, pursuant to instructions of the Württemberg Government, to such curtailment of the rights of constituent sovereign states, while Count Münster emphasized the absolute necessity of defining the rights of every German subject. A resolution to define the constitutional rights of every subject was thereupon adopted.

In December, 1814, Count Wessenberg, an Austrian representative, submitted a new draft, which contained an express, though limited, provision in favor of the Jews; it provided a guarantee of equal civil rights for all Christians, namely,

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Carlotta Liebermann and Lehmert, with the further comment: "N. E. the influence of the Jews is to be here manifested."

It is probable that the Liberty-Friendship Club was intended to secure direct intervention for Jewish rights through purposely selected agents and influential persons. Prince Hardenberg and Baron Wilhelm von Humboldt had long previously expressed the Jewish cause, and Napoleon and Gutz were fanatically disposed toward it. Wilhelm von Humboldt already in 1809, and proposed a detailed memorial in regard to Jewish emancipation to Prussia based on Immanuel's famous work, which vigorously presented the passage of the Prussian law of 1812. He was given the subject very thoughtfully and was in close terms with prominent Jews and Jewesses. Prince Hardenberg had been largely responsible for the Prussian emancipatory edict of 1812, which the king of Prussia issued only after considerable urging and after much hesitancy.

On January 4, 1815, Prince Hardenberg wrote a strong letter in favor of the Jews to the Prussian envoy at Hamburg, Count Grolow, at the instance of Dr. Buchholz, their representative. He referred to the efforts being made at the Congress of Vienna on behalf of the Jews of Hamburg, Bremen, and Lübeck for full and equal rights, and also mentioned the "influence which Jewish houses exert upon the system of credit and commerce of the various German states, which cannot escape the notice of the Congress." He stated that the restrictions recently imposed by the three designated cities on Jewish rights have all the more aroused his interest, as they are quite regardless of the future determination of the Congress, and

wholly inconsistent with the principles of the Prussian edict of March 11, 1812. He added the following cogent passages:

"The fate of the Jews in the remaining provinces and cities of the northern part of Germany cannot, since the enactment of the Prussian law, be a matter of indifference to the Prussian state, for continuing oppression and abhorred exclusion from rights, to which they are entitled as men, preserve a condition of immorality which has been made a reproach to them, and the intention of our government has been frustrated, to extinguish the traces of prejudice, which has arisen merely from despicable and slavish treatment, by according to them participation in all civil rights and duties. Moreover, the history of the past war against France has shown that they have become worthy, through true devotion, of the state which has taken them up. The young men of the Jewish faith have been companions in arms of their Christian fellow-citizens, and we have to point to examples of true courage and vaunted disregard of the perils of war among them, no less than among the rest of the inhabitants, and their women also, in particular, have mingled with the Christians in sacrifices of every kind.

If in other parts of northern Germany, the previously hostile system of treating the Jews continues, it must necessarily militate unfavorably against the spirit of the Prussian Jews, and retard their progress among us also, in view of the relations in which the families stand to each other, and particularly in view of immigration and intermarriage. Your Excellency is therefore respectfully urged by me, to indicate the attitude of the Prussian Government, along these lines, towards the Jewish inhabitants of Hamburg, Bremen and Lübeck, and to induce the magistrates and corporations of these cities to pursue the course, with respect to repeal of measures operating

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prejudicially towards the Jews, which the Prussian State, through the edict of March 11, 1812, adopted, equally at the behests of humanity and the requirements of the time, and in accord with a prudent system of state policy. In addition, it will not have been overlooked by your Excellency, as I have myself already remarked in promoting the disposition of our Government, that the commercial interests of the cities themselves suggest a milder treatment of their Jewish inhabitants, as they would after all not succeed in depriving the Jewish houses of their already acquired wealth, and continued persecution would merely incline the latter to remove with their capital, which is so valuable to the Hanse towns, to other cities, in which the same rights as the Christian inhabitants enjoy would be accorded to them. Looking forward to early advices as to the results of your efforts.

C. F. VON HARDENBERG.

VIENNA, Jan. 4, 1815.

To the Royal Representative,
COUNT DE GROTHE, Hamburg."

Prince Hardenberg wrote in a similar strain, under date of May 12, 1815, to Frankfort's Jewish representatives.

The printed memorial submitted by Dr. Buchholz was an able plea for Jewish emancipation, and, besides following the outlines of Dohm's famous work of 1781, incorporated cogent arguments, based upon emancipatory laws meantime enacted, and emphasized particularly, in some detail, the patriotism of the Jews in the Napoleonic Wars. It is a booklet of one hundred and fifty-seven pages, with a preface dated Vienna, December, 1814. Dr. Buchholz, as shown by the diary of Friedrich von Gentz, the secretary of the Congress, was in

constant communication with the latter concerning the subject of Jewish rights during the Congress, beginning April 16, 1815. At several of these conferences Humboldt participated.

Friedrich von Schlegel, the distinguished German historian and publicist, then in the Austrian service, prepared a draft of a German Constitution for consideration by the Congress in March, 1815, which contained the following liberal paragraph:

“Article IV, Sec. 3. In order that the benefit of religious liberty shall finally be enjoyed by all the inhabitants of the various German Confederated States, and no class within the same shall be considered as disregarded and excluded in this matter by the Fatherland, the Israelites also, throughout the dominions of the German Confederacy, shall receive complete civil rights. All distinctions and disabilities conflicting with rights of citizenship, under which they have till now labored, shall from now on cease and be wholly terminated; on the other hand, the Israelites shall be subject to military service, in the same manner as other citizens, as has been the practice in most of the German states during the recent past.”

Returning to Klüber's protocol of the debates at the Congress, the Committee on German Affairs resumed its sessions in the spring of 1815, and in the interim, Prince Hardenberg's letter to the Hamburg envoy of January 4, 1815, had been written. This protocol may be conveniently supplemented by reference to Schwemer's recently published excerpts from the municipal records of Frankfort, containing original contemporary reports from the leaders of the opposition to Jewish emancipation, Danz of Frankfort and Smidt of Bremen, and the Jewish records of Lübeck contained in Dr. Carlebach's valuable history of the Jews of Lübeck. In April, 1815, Humboldt and Prince Hardenberg submitted a new draft of a constitu-

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tion, prepared by Humboldt, which, in Article IX, expressly provided for unrestricted religious liberty. This was superseded May 1, in view of opposition, by a new and much less satisfactory draft, which provided in Sec. 9:

"The three Christian denominations shall enjoy equal rights in all German states, and adherents of the Jewish faith, in as far as they assume the duties of citizenship, shall have accorded to them corresponding civil rights."

Austria proposed a new draft the same month, Article 17 of which, after first establishing equal rights for Christian denominations, provided:

"Persons of the Jewish faith shall remain in enjoyment of their already acquired rights, and are declared capable of acquiring civil rights, in as far as they assume performance of the duties of citizenship."

On May 23, 1815, Prince Metternich submitted a new draft on behalf of Austria and Prussia, which was more liberal toward the Jews, and provided in Article 14:

"Adherents of the Jewish faith shall receive, in as far as they assume performance of all the duties of citizens, the corresponding rights of citizenship, and to the extent that this reform shall contravene state constitutions, the members of the Confederation declare that they will endeavor as far as possible to remove these obstacles."

On May 26, 1815, in discussing Article XIV of the Austro-Prussian draft, Bavaria urged that the article did not belong in the Constitution, and that matters that did not relate to internal regulations were to be referred to the Diet. Hesse-Darmstadt did not believe that the Jewish clause belonged in the German Constitution, but merely in the organic act. The representatives of the confederated princes declared that the

rights of the Jews should not be determined in the first constitution, and might be considered in connection with Article 16 or 17, and the subject merely referred to the Diet. Holstein declared that the status of the Jews should not be provided for in the Constitution, and in no event would the delegates of Holstein regard themselves as bound thereby. At the fifth Conference, on May 31, the matter came up again. Austria and Prussia insisted that the principles to govern the treatment of the Jews should not be merely left for determination by the Diet to meet at Frankfort, as indicated by some prior votes, but should be settled here, because it was an important subject of general interest, whose purposes could be accomplished only through uniformly adopted legislation. But as the terms "reform" and "rights of citizenship" seemed to encounter some objection, they suggested substituting for "reform" the word "amelioration," and instead of "rights of citizenship," in order to avoid misunderstanding, "civil rights." The Hanoverian representatives declared that they unconditionally supported the article proposed, because the limitations it contained left it to the view of the Governments to determine to what extent they would modify their subsisting restrictions upon the Jews, standing in the way of Jewish admission to citizenship, in the best interests of the State.

Upon the basis of this declaration, not only many of the envoys, including Kurhessen, Luxemburg, Gotha, Schaumburg, Lippe, Waldeck, and Nassau, voted expressly in favor of the clause, but the representative of the grand duke of Hesse joined the majority in its favor, and also Holstein, for reasons now reiterated in writing, and Lübeck, Bremen, and Frankfort voted for a reference of the subject, in view of its importance,

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to the Frankfort Diet. It was, however, resolved to make another effort the next day to secure unanimity for a new version. The two Bernstorffs, on behalf of the Danish province of Holstein, in the written declaration referred to, emphasized Denmark's friendly attitude toward the Jews, but called attention to their lack of instructions on the point, and hence favored a reference to the Diet. In the contingency of the Conference desiring immediate action, however, they suggested a general clause, substantially like the following: "Adherents of the Jewish faith, in as far as they assume the duties of citizenship, shall be assured a firm civil status, which the *Bundesversammlung* shall define more specifically."

At the Conference of June 1, 1815, in view of the plan to endeavor to secure unanimity for a new version, this new clause was submitted and approved:

"The Diet shall consider how the civil amelioration of adherents of the Jewish faith in Germany can be effected in the most uniform manner possible, and particularly how the enjoyment of civil rights can be assured to them, in exchange for their acceptance of all the duties of citizenship in the Confederated States. However, until then, adherents of that faith shall enjoy the rights heretofore granted to them in the several States."

The Danish representatives for Holstein, the Bernstorffs, submitted at this session a further more definite draft, to evidence their desire to go in this matter as far as possible, without instructions, which draft provided:

"Adherents of the Jewish faith, in as far as they assume the duties of citizenship, are guaranteed civil laws protecting them, with respect to the rights accorded to them, against persecution,

oppression, arbitrary conduct and expulsion on the part of the legislature.”

A commission of two, to edit the text of the Constitution, and report the next day was, however, appointed, and unfortunately, Senator Smidt, the leading opponent of Jewish rights, as well as President von Berg of Lippe-Schaumburg, became the members of this committee. The representative of Frankfort, Danz, had meantime protested vigorously in writing against this Jewish clause, and claimed to reserve the right of not being bound thereby, and the representative of Kurhesse also objected. At the next conference, on June 2, it was decided to preface to this clause a declaration of equal rights for adherents of the Catholic and evangelical churches, and Saxony, in writing, objected to the inclusion of the Jewish provision, giving it preference there over others, declared by it to be equally important, and urged that at least the clause continuing already acquired rights should be omitted. A new draft was submitted, but not discussed till June 3, when this clause, now Article 16, was provisionally approved, despite the opposition of Saxony, Bavaria, and Hesse-Darmstadt, while Bremen contended that this would not validate French laws regarding the Jews in the 32nd Military Division. At the session of June 8, 1815, Bavaria objected to the article concerning the Jews once more, and the phrase “*by any particular State*” was substituted for “*in any particular State*,” in the passage in Article 16 “continuing” Jewish rights, “heretofore accorded to them in any particular State,” till the Diet acted, on the ground that such modification had been “previously acceptable,” which fateful change of phraseology at the time attracted no attention. Frankfort’s representative, in a memorandum dated June 5, 1815, expressing gratitude over

the recognition of that city's independence, qualified his earlier protests regarding the Jewish clauses, stating that he had made them only to avoid misunderstanding. The Constitution of the German Confederation was signed June 8, 1815, and the article referred to, the 16th, reads as follows:¹

"The different Christian sects in the countries and territories of the German Confederation shall not experience any difference in the enjoyment of civil and political rights. The Diet shall consider of the means of effecting, in the most uniform manner, an amelioration in the civil state of those who profess the Jewish religion in Germany, and shall pay particular attention to the measures by which the enjoyment of civil rights shall be secured and guaranteed to them in the Confederated States, upon condition, however, of their submitting to all the obligations imposed upon other citizens. In the meantime, the privileges already granted to this sect by any particular State shall be secured to them."

Friends of Jewish emancipation thought that they had won a good fight in securing a declaration in favor of amelioration, to be carried out by the Diet, and, in the meantime, preservation of rights theretofore granted. Gentz made an entry in his diary on June 9, 1815: "*L'affaire des juifs heureusement terminée; l'acte de la confederation ayant été signé hier, sans que l'article qui les conserve, ait été ébranlé.*" Hardenberg and Metternich also, soon after, so expressed themselves in writing. But the contemporaneous private letters to the Frankfort public authorities from her representative indicate that Smidt deliberately made the apparently

¹ English rendering as given in Herstlet's "Map of Europe by Treaty," I, p. 205.

merely stylistic change from "in" to "by," radically changing the sense, as was thereafter contended, and Smidt expressed himself privately as well satisfied.

The Frankfort archives show that their representative also was caught napping, however, and that he was astounded to learn from Prince Metternich's letter of June 9, 1815, to Baruch, Frankfort's Jewish delegate, that another provision had been inserted, particularly designed to be applicable to the Jews of Frankfort, in Article 80, which Metternich publicly invoked, when the Congress adjourned, as confirming Prince Primate Dalberg's grant. Metternich wrote:

"In answer to the petition of the Jewish deputies of the City of Frankfort-on-the-Main, dated Oct. 10, 1814, to the High Congress, praying for confirmation of the compact of Dec. 28, 1811, with the former Grand Duke of Frankfort regarding the civil rights of the Jews, they are informed, that in the Independence Act for the free City of Frankfort, the magistrates are advised that all well-acquired rights of every class of inhabitants are confirmed, and every contravening regulation is to be avoided. By this disposition, the Jewish congregation of Frankfort-on-the-Main will find satisfaction, as the legal arrangement which they had previously made, is fully confirmed.

PRINCE METTERNICH.

VIENNA, June 9, 1815.

To MR. BARUCH of Frankfort."

While the pro-Jewish edicts of revolutionary Governments like Hamburg, Lübeck, and Bremen were not so sweepingly and unequivocally confirmed, those of regularly constituted governments of other German states were, and particularly

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those of Frankfort. Both Metternich and Hardenberg wrote letters regarding the action of the Congress in its relations to the Jews of the Hanse towns, after its adjournment, which Dr. Carlebach reprints, both indicating that they thought the Jews had won their fight.

Prince Metternich wrote to Dr. Buchholz, as representative of the Jews of the Hanse cities, under date of June 9, 1815:

"The Powers assembled here at the Congress, not unmindful of the welfare of individual subjects, have resolved that persons of the Jewish confession in the German Confederated States shall be assured universal civil rights. But as the circumstances of the day made it impossible to fully carry out this subject at the Congress of Vienna, it was meantime decided and provided that the German *Bundestag* at Frankfort a. M. shall deliberate, in what way general civil rights shall be conferred on the Israelitish congregations of Germany, and that until such deliberations are concluded, the liberties and rights conferred upon the Israelitish congregations in the various confederated states shall be preserved intact. This is communicated to the representative of the Israelitish congregations in Germany, Dr. Buchholz of Lübeck, in answer to his memorial to the Congress dated December 9, 1814, in order to give to those congregations the assurance, that the welfare of the Israelitish congregations will be considered at the *Bundestag*, and that active measures will be taken for conferring upon them these general rights.

(Signed) PRINCE METTERNICH."

Prince Hardenberg, under date of June 10, 1815, wrote to the Senate of Lübeck:

"The undersigned, Chancellor of State of his Royal Highness the King of Prussia, has learnt with much regret from

the reports of his Majesty's envoy, Count de Grote, that the representations he had been instructed to make on behalf of the Jewish inhabitants of the city have thus far been ineffective. Consideration of the subject by the Congress here had induced the undersigned to preserve silence on the subject until a determination was had. Now, however, that a resolution on the subject was adopted by the Congress, providing that the civil rights of the Jews be referred for determination to the Diet of the Confederacy, the undersigned cannot refrain from reiterating the disposition of Prussia on the subject, and flatters himself that the noble Senate, as well as the municipality, when made acquainted therewith, will give weight to wishes as just as they are humane, and will heed intercessions of governments to whom the city owes so greatly the recognition of its independence.

Prussia has afforded an example by its legislation to the rest of Germany, and proceeded with the fullest conviction that there was only one remedy for eliminating most effectively and surely the disadvantages that were feared from the adoption of persons of the Jewish faith into the body corporate, and that is, to accord to persons of that confession the enjoyment of full civil rights in exchange for their assumption of the duties of citizenship.

The Hanseatic Cities, which are so intimately connected with the Prussian State, cannot refrain from imitating this example, without directly contravening the purpose of the Prussian Government, to bind its Jewish inhabitants to their Fatherland, and in this way, to secure favorable results, as well for them as for the State; all the more so as the Hanse cities have so many recognized obligations towards

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Prussia, and are so closely related to her through their common ties, binding them together in a united German Fatherland.

How unjust and unfounded the fears are, that the advance of the Jewish families in the commercial cities will be to the detriment of Christian merchants, is demonstrated by the commercial cities of Prussia, which stand in no different position than the Hanse towns. The Jewish families, since the enactment of legislation in their favor, have not progressed relatively more; no Christian mercantile concern has had its welfare sacrificed; just as many commercial houses exist as before, and they transact their business with the same good fortune as ever, without our having the slightest complaint in the matter.

Under the terms of Article 16 of the Constitution of the German Confederation, it cannot be doubted that the civil rights of the Jewish inhabitants of the Hanse cities are preserved until action by the Diet in the premises, in accordance with the French legislation fixing these rights, and in line with Prussian legislative policy and the principles of rational toleration. The undersigned requests the noble Senate, after communicating these views and arguments to the municipality, kindly to act towards that end, and thereby to pave the way for a sympathetic reception by the city of the resolution of the Diet, which may be expected to be introduced, inasmuch as the opinions expressed at the Congress by a decided majority, and the resolution of the Congress that followed, leave no doubt that it is the earnest intention of all Germany to accord the enjoyment of civil rights to her Jewish inhabitants upon their assumption of the obligations of citizenship, and in this way to gain for the cause of Christianity not merely relief in the most just manner from the heavy stigma, which had been

resting upon her for so many years, and from her cruel intolerance, but also in that it will make possible a transition for the better for a numerous class of inhabitants of Germany, in the most liberal rational way.

The undersigned gladly avails himself of the opportunity to assure the noble Council of his esteem.

(Signed) C. F. VON HARDENBERG.

VIENNA, June 10, 1815."

It will be observed that these letters deal with the article of the Treaty of Vienna as if it had not been changed by the substitution of the words "*by any particular State*," for "*in any particular State*." Either the verbal amendment had escaped the attention of Hardenberg and Metternich, or, as is indicated by Hardenberg's express reference to the French legislation, they regarded it as immaterial, inasmuch as a reasonable construction continued in force legislation even of such *de facto* revolutionary Governments.

Dr. Carlebach narrates most sympathetically and in detail the long and futile heart-rending struggle of the Jews of Lübeck to preserve their rights thus "guaranteed" by the Powers, but, despite remonstrance after remonstrance, the Jews were expelled from Lübeck, even in the nineteenth century, as also from Bremen! The extraordinary circumstance is, however, noted by him that it was intimated by the municipality to the Jews of Lübeck, in the course of the struggle, that appeals for aid to other powers might even lead to prosecutions for treason!

More important, however, as a landmark in the history of religious liberty, is the provision of the Treaty of Vienna concerning the Netherlands, incorporating and ratifying an

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"annexed treaty" between Holland and England, Austria, Russia, and Prussia of the preceding year, which was probably the first international European treaty in all history which provided for absolute religious liberty. Its significance is commonly overlooked even by writers on international law, probably because of unfamiliarity with some details in the history of the Netherlands, involving enforcement of this very provision; it was a Belgian publicist, Jean De Ridder, who called attention to it a few years ago in an able address on *La Liberté de Conscience en Droit International*. The clause in question, establishing the union of Holland and Belgium, provided that the articles of the new Constitution of the United Kingdoms should not be altered, which assured to all creeds protection and equality before the law, and guaranteed the right of all citizens, regardless of religious belief, to admission to public employments and offices.

Article 2 of this Treaty of Eight Articles, signed at the Hague July 21, 1814, between Holland and England, Austria, Russia, and Prussia, had provided:

"Il ne sera rien innové aux articles de cette constitution que assurent a tous les cultes une protection et une faveur egales et garantissant l'admission de tous les citoyens quelle que soit leur croyance religieuse, aux emplois et offices publics."

The circumstances referred to deserve fuller consideration. On March 28, 1814, a proposed Constitution for the two states was drawn up, providing in Articles 190-193 for absolute religious liberty and equality, as heretofore noted. It appears that one of Holland's most distinguished Jews, Jonas Daniel Meyer, was one of the chief framers of this Constitution. The four Powers had entered into the above treaty of 1814, providing for the union of Holland and Belgium, with the prince of

Orange as ruler, under the specified conditions, and the same became absolutely binding through the clause of the Treaty of Vienna quoted. While Holland ratified this constitution, the Belgian Assembly of Notables rejected the religious liberty clauses, among others, on August 18, 1815, Belgium being still strictly and almost exclusively Catholic. King William I of the Netherlands nevertheless proclaimed this Constitution in force on August 24, 1815, declaring that the rejection of the religious liberty clauses was illegal, because inconsistent with the treaty in question. The ultra-Catholic party was incensed, and under the leadership of Maurice de Broglie, bishop of Ghent, bitterly assailed this course, and the bishop even declared it to be treason against religion to take the oath to support this new Constitution, and the pope at first sustained his course. The bishop was prosecuted in the civil courts for contumacy, however, and fled to France, and some years later the new pope acquiesced in the constitutional provisions in question. The emancipation of the Jews in Belgium dates from the adoption of this provision. But to return to the Jews of Frankfort, despite the clear provisions in their favor in the Treaty of Vienna, that city continued recalcitrant, and anti-Jewish feeling became tense elsewhere also. Varnhagen von Ense, in his work *Nach dem Wiener Kongress*, reports how, on July 1, 1815, Prince Hardenberg, at Israel Jacobsohn's instance, even prohibited the performance of an anti-Semitic play, called "Die Juden-schule oder unser Verkehr," previously sanctioned by a subordinate, which course caused wide comment and disapproval even on the part of persons not unfriendly to the Jews, Hardenberg's conduct being, however, dictated by the unseemliness of such attacks, "inasmuch as the Jews had

brought large sacrifices during the recent war for their country, and had nobly competed with the other inhabitants in rushing to arms, a number having become officers or received iron crosses." After Hardenberg's departure for Paris from Berlin, the play was nevertheless given, Varnhagen commenting on this disregard of the sacrifices evidenced by the death of Moritz Itzig and Hauschildt at the battle of Lützen. Hardly had Princes Hardenberg and Metternich arrived in Paris, than they wrote vigorous official protests, in November, 1815, against Frankfort's illegal course. Hardenberg fully sustained the Jewish claim, and reproached Frankfort for having obtained opinions in favor of their contentions from legal faculties of German universities, in violation of the conclusions of the Congress, and in defiance of the treaty provision, leaving the subject, if there were any doubt in the matter, to the determination of the Diet, especially as Metternich had officially informed the municipal authorities that Frankfort's independence had been recognized only on condition that all legally acquired rights of every class of inhabitants be enforced. Metternich wrote in the same spirit, and declared that "every arbitrary interference with the affairs of the Jewish congregation would be an attack on the authority of the *Bundestag*." Soon thereafter, Friedrich von Schlegel, who was Austrian representative at Frankfort, under date of January 30, 1816, wrote a vigorous report, attacking the municipality for violating both the pro-Jewish and pro-Catholic clauses of the Treaty of Vienna; the same has been handed down to us and was recently published, but as even Metternich's and Hardenberg's representations were practically futile and were answered evasively by Frankfort in December, 1815, Schlegel's recommendations were of course ineffective. Jacob

Baruch sought Metternich's aid once more, and two demands on Frankfort, not merely on the part of Austria and Prussia, but from the four great Powers, England, Russia, Austria, and Prussia combined, followed between August and November, 1816. Schwemer reports that these four Powers addressed two identic notes to Frankfort, reiterating the prior demands of Austria and Prussia. They based their stand on the principle that, inasmuch as the future regulation of the affairs of the Jews had been reserved for the *Bundestag*, Frankfort had no power to change them to the detriment of the Jews. In a second identic note, dated November 6, 1816, the four Powers again demanded that Frankfort cancel its ordinances, unless the *Bundestag* take jurisdiction, and as matters had become most serious for the Jews, in view of increasing anti-Semitic riots, not only in Frankfort, but elsewhere in Germany, the Jews decided to appeal to the *Bundestag*. These are probably the earliest joint international State papers on behalf of the Jews, and are doubtless preserved in archives, though not yet in print.

The humane attitude of the British Government is further indicated by the following hitherto unpublished despatch from Lord Castlereagh, British Foreign Secretary, which the British archives have just yielded up:

“To the Earl of Clancarty
Foreign Office, July 8th. 1816
My Lord,

As it is probable that the situation of the Jews may become subject of consideration to the Allied Plenipotentiaries at Frankfort, I have received the commands of His Royal Highness the Prince Regent to instruct your Excellency, in that

event to encourage the general adoption of a liberal system of toleration with respect to the individuals of the Jewish persuasion throughout Germany, in order that they may not be deprived of those indulgences they have lately enjoyed.

I am etc.

CASTLEREAGH " ¹

It was thereafter, in October, 1817, that the king of Prussia forced Hardenberg's hand by instructing him not to support the Jewish cause at the Diet, on behalf of Prussia, and a subsequent protest from England, in February, 1818, was also futile. The *Bundestag* appointed a commission on the subject in September, 1818, but it was six years before the matter was concluded, and then only by an unsatisfactory compromise.

THE CONFERENCE OF AIX-LA-CHAPELLE

The great Powers were represented at the Conference of Aix-la-Chapelle, which met in the autumn of 1818, for the particular purpose of determining whether the allied troops should now be withdrawn from France or not, and to decide regarding payment of France's indemnity to the allies. The Conference took place at a time of violent reaction from liberal French Revolutionary ideas, and in the midst of the unsuccessful efforts to induce Frankfort to carry out the terms of the Treaty of Vienna. Various Jewish communities and their friends turned to this Conference for relief. This occasion was also chosen by an English clergyman, Lewis Way, who was deeply interested in the work of societies seeking to convert the Jews to Christianity, to advance their emancipa-

¹ Docketed "No. 8. To encourage a liberal system towards the Jews throughout Germany." I am indebted to Mr. Albert M. Hyamson, of London, for his kindness in sending a transcript of this document to the Jewish Publication Society of America.

tion in Europe. He prepared a petition, addressed to Emperor Alexander I of Russia in their behalf, dated October 5, 1818, together with an accompanying memorial, which interested the latter so greatly, during this mystic-religious period of that monarch's life, that he referred the memorial to the assembled Conference of ministers, through his chancellor, Nesselrode. Action was had thereon, which is set forth in the protocol of November 21, 1818, signed by all the plenipotentiaries, Metternich, Hardenberg, Richelieu, Bernstorff, Castlereagh, Nesselrode, Wellington, and Capodistras, as follows:

"Without entering into the merits of the views entertained by the author of the project, the Conference recognizes the justice of his general tendency, and takes cognizance of the fact that the plenipotentiaries of Austria and Prussia (Metternich and Hardenberg) have declared themselves ready to furnish all possible information concerning the Jewish situation in those monarchies, in order to clarify a problem which must claim the attention equally of the statesman and the humanitarian."

Way caused his petition, with the accompanying memorial and the report thereon, to be printed in French in Paris in 1819, as a pamphlet of seventy-eight pages, entitled "*Memoires sur l'état des Israélites, par un Ministre du Saint Evangile.*" It follows, very largely, the reasoning of Dohm's famous work on Jewish emancipation, and in fact embodies a new outline plea by Dohm, dated November, 1818, prepared for the purpose at this very time. Way sought a fuller treatise from Dohm, but did not afford adequate time for the purpose, in view of Way's plan to submit it at the Aix-la-Chapelle Conference. The provision of the Treaty of Vienna on Jewish emancipation is quoted by Way, and he emphasized the failure

to enforce the clause according to its spirit, particularly in Germany, Poland, Austria, and Italy. A detailed summary of the Way booklet was printed in Frankel's *Monatschrift* for 1869, and a sketch of Way is also to be found in the *Jewish Encyclopedia*. Frankel's *Monatschrift* quotes (pp. 235-6) from Gronau's life of Dohm as to Dohm's relations to the incident, and also an explicit denial by Way that he was actuated in the matter by any conversionist motives. It is undeniable that this Conference, at the instance of Russia, was thus induced affirmatively to urge international Jewish emancipation, and we certainly had not latterly been regarding Russia as taking the lead in work for the amelioration of the Jews.

THE CONGRESS OF PARIS OF 1856 AND THE CONFERENCE OF PARIS OF 1858

The Treaty of Paris of March 30, 1856, which terminated the Crimean War, naturally contained provisions concerning religious liberty, as the war had been started over controversies regarding protection of holy places in Turkish dominions and Russian claims to a protectorship over all Christians in Turkey. Shortly before the Congress met, at the Conference of Constantinople, according to the Protocol of February 11, 1856, France, England, Austria, and Turkey agreed upon terms of peace to be imposed upon Russia, which included the following provisions regarding religious rights in Moldavia and Wallachia, which principalities subsequently were united in the kingdom of Roumania:¹

¹ Ubinici: *La Question des Principautés devant l'Europe*, 2d Ed., 1858, pp. 13, 295, quoted in I. Loeb's *La Situation des Israélites en Turquie, en Serbie et en Roumanie*, p. 200, and in Kohler and Wolf's *Jewish Disabilities in the Balkan States*, pp. 118, 138-9.

“XIII. All the religions and those who profess them shall enjoy equal liberty and equal protection in the two Principalities.

XV. Foreigners may possess landed property in Moldavia and Wallachia on discharging the same liabilities as natives and on submitting to the laws.

XVI. All Moldavians and Wallachians, without exception, shall be admissible to public employments.

XVIII. All classes of the population, without any distinction of birth or religion, shall enjoy equality of civil rights and particularly the right of property in every shape, but the exercise of political rights shall be suspended in the case of natives placed under a foreign protection.”

However, Gregory Ghika, prince of Moldavia, made representations to the Congress of Paris to the effect that the execution of this principle, “excellent in itself,” should be reserved for application by the local Governments, which alone can do so beneficially.¹ The Treaty of Paris, perhaps for this reason, employed less specific terms on the subject, but substituted a provision for a commission to revise subsisting laws, and did, in addition, insert general guarantees of religious liberty for all Turkish dominions.

At the Congress of Paris, Austria, France, Great Britain, Russia, Italy, and Turkey were represented, and Prussia subsequently, the leading diplomats appearing being Count Buol-Schauenstein, Baron Hübner, Count Walewski, the Earl of Clarendon, Lord Cowley, Count Orloff, Cavour, Baron de Manteuffel, Count Hatzfeldt, and Ali Pasha. In Article IX

¹ Sturdza, *Acte si documente relative la Istoria Renascerei Romaniei*, II, 980, 986, quoted in the last-cited work, p. 139.

of the Treaty of Paris¹ express reference was made, and ratification given, to the Sultan's grant of a Hatti-Humayoun of February 18, 1856, just secured by Stratford Canning's able diplomacy, which had granted liberal rights to all the non-Mohammedan subjects of the Sultan, in the paragraph:

"His Imperial Majesty, the Sultan, having in his constant solicitude for the welfare of his subjects, issued a Firman, which, while ameliorating their condition *without distinction of Religion or Race*, records his generous intentions towards the Christian population of his Empire, and wishing to give a further proof of his sentiments in that respect, has resolved to communicate to the Contracting Parties the said Firman, emanating spontaneously from his Sovereign will."

This firman, dated February 18, 1856, is an important State document, and provides, among other things:²

"The guarantees promised on our part by the Hatti-Humayoun of Gulhase and in conformity with the Tanzemot, to all the subjects of my Empire, without distinction of classes or of religion, for the security of their person and property and the preservation of their honour, are to-day confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full and entire effect.

All the Privileges and Spiritual Immunities granted by my ancestors *ab antiquo* and at subsequent dates, to all Christian communities or other non-Mussulman persuasions established in my Empire under my protection, shall be confirmed and maintained. . . .

¹ Martens' *Nouveau Recueil Général de Traites*, Vol. 15, p. 774, Herstlet's *Map of Europe by Treaty*, II, p. 1253.

² Martens' *ibid.*, pp. 508-14; Herstlet, *ibid.*, pp. 1243-9.

The Patriarchs, Metropolitans, Archbishops, Bishops and *Rabbis* shall take an oath on their entrance into office, according to a form agreed upon in common by my Sublime Porte, and the spiritual heads of the different religious communities. . . . The temporal administration of the Christian or other non-Mussulman communities shall, however, be placed under the safeguard of an assembly to be chosen from among the members, both ecclesiastics and laymen, of the said communities.

Every distinction or designation tending to make any class whatever of the subjects of my Empire, inferior to another class on account of their Religion, Language or Race, shall be forever effaced from the Administrative Protocol. The laws shall be put in force against the use of any injurious or offensive term, either among private individuals, or on the part of the authorities.

As all forms of religion are and shall be freely professed in my dominions, no subject of my Empire shall be hindered in the exercise of the Religion that he professes, nor shall be in any way annoyed on this account. No one shall be compelled to change their Religion.

The nomination and choice of functionaries and other employes of my Empire, being wholly dependent upon my Sovereign will, all the subjects of my Empire, without distinction of nationality, shall be admissible to public employments, and qualified to fill them according to their capacity and merit, and conformably with rules to be generally applied."

Moreover, one of the preliminaries of the Treaty of Peace, agreed upon by the warring nations at Vienna on February 1, 1856, had been a guarantee of the religious and political rights of all the Christian subjects of the Sultan (*Martens, ibid.*, p.

704), and the issuance of the afore-mentioned firman by the Sultan was officially announced by Ali Pasha on behalf of the Sultan at the Congress of Paris, and was approved by the other Powers (*ibid.*, pp. 707, 731, 733-4).

The Treaty of Paris made further provisions for religious liberty in the following paragraphs:¹

"XXIII. The Sublime Porte engages to preserve to the said Principalities (Wallachia and Moldavia) an Independent and National Administration, as well as full liberty of Worship, of Legislation, of Commerce, and of Navigation. . . .

XXVIII. The said Principality (Servia) shall preserve its Independence and National Administration, as well as full Liberty of Worship, of Legislation, of Commerce, and of Navigation."

At the Conference of Paris of 1858, called to complete the work of the Congress of two years before, the following additional article (XLVI) was adopted as part of the Treaty of August 19, 1858:²

"All Moldavians and Wallachians shall be equal in the eye of the law and with regard to taxation, and shall be equally admissible to public employments in both Principalities.

Their individual liberty shall be guaranteed. No one can be detained, arrested, or prosecuted but in conformity with the law. No one can be deprived of his property unless legally for causes of public interest and on payment of indemnification.

Moldavians and Wallachians of all Christian confessions shall equally enjoy political rights. The enjoyment of these rights may be extended to other religions by legislative arrangement."

¹ Martens, *ibid.*, pp. 778, 779; Herstlet, *ibid.*, p. 1260.

² Martens' *Nouveau Recueil Général*, Vol. 16, Pt. 2, p. 58; Herstlet, *ibid.*, pp. 1343-4.

It is apparent from mere inspection that, while legislative discretion was granted with regard to according political rights to non-Christians, civil rights were accorded unconditionally to all persons born in Moldavia and Wallachia, including Jews, regardless of creed. The clause as to political rights, which required legislation to enfranchise the Jews, was added in reliance upon the assurances of Prince Gregory Ghika, cited above, as an after-thought (Martens, *ibid.*, pp. 27, 39).

THE CONGRESS OF BERLIN (1878)¹

Despite the intentions of the Powers, the Balkan principalities not only failed to confer full civil rights upon the Jews, to say nothing of legislation granting them political rights, but discriminatory legislation and anti-Semitic riots became more serious year by year, particularly in Roumania and Servia. The promises of reform made by Prince Charles of Roumania to Sir Moses Montefiore and Adolphe Cremieux proved illusory, and the intercessions and protests of the Powers yielded no substantial results, though they often took vigorous form, as in the case of a telegram from Napoleon III, and representations from the Governments of England, France, Germany, and the United States. The appointment of Benjamin F. Peixotto as United States consul at Bucharest, in 1870, and his activities there concentrated attention on Roumanian Jewish persecutions the world over, but did not lead to ultimate improvement. The condition of the Jews in the

¹ See fuller treatment of the Treaty of Berlin and other efforts to emancipate the Balkan Jews in *Jewish Disabilities in the Balkan States*, by Max J. Kohler and Simon Wolf, New York, 1916, and works there cited, particularly, N. Leven's *Cinquante ans d'histoire. L' Alliance Israélite Universelle. 1860-1910* (Paris, 1911).

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Balkan States also received consideration from the Powers in connection with the Conference of Constantinople held in December, 1876, and January, 1877, but the Russo-Turkish war ensued, instead of an agreement on terms of peace. The attempt of Russia to fix terms of peace with Turkey at San Stefano the following year, without the approval of the other Powers, having failed, the Congress of Berlin was convened instead, and sat for a month, beginning June 13, 1878, the other Powers represented having been England, France, Germany, Austria, and Italy. The first formal official suggestion to consider the Balkan Jewish question at this conference emanated from Hon. John A. Kasson, United States Minister to Austria, under date of June 5, 1878, who suggested that the United States urge that the independence of the Balkan states should be recognized only on condition of establishing equal rights for the Jews. Both he and Bayard Taylor, United States Minister at Berlin, used their good offices to this end. Though the subject of Jewish emancipation in the Balkans was not on the official programme of the Congress, unofficial assurances were given by England, France, Germany, Italy, and Austria, beforehand, that efforts to secure action thereon would be made, and the circumstance that the resolution in favor of Jewish emancipation was offered by M. Waddington, the senior French representative, does not indicate that France was more favorably disposed toward the proposition than England, Germany, or Italy.

On June 24, 1878, when arrangements were being made by the Congress for the new and liberated Bulgaria, M. Waddington proposed an article establishing equality of rights, regardless of creed, on the basis of the principles of 1789, in the following terms:

"All Bulgarian subjects, whatever their religion may be, shall enjoy complete equality of rights. They may hold all public offices, functions and honors, and differences in faith will not be urged against them as a ground for exclusion.

The exercise and public practice of all creeds will be entirely free, and no restrictions will be applied, either on the hierarchical organization of different faiths, or to their relations with their spiritual chiefs."¹

In deferring consideration until a later session, Prince Bismarck, the Chairman of the Congress, helped the Jewish cause greatly by suggesting that the session take up first matters on which there might be a disagreement between cabinets, but "as to those which have in view an advance in civilization, and against which doubtless no Cabinet will have objections in principle (those were Waddington's propositions), he thought that the authors of such propositions ought to be left free to indicate the time that would seem to them most convenient to bring them before the High Assembly."

One of the French plenipotentiaries, Félix Désprez, on June 25, proposed a slight change in phraseology: he replaced the words "Bulgarian subjects" by those of "inhabitants of the principality of Bulgaria," in Waddington's proposition. This new designation was more comprehensive.

The protocol stated: "This modification is accepted and the proposition unanimously adopted."

Lord Salisbury having expressed the hope that the same legislation would be, in this respect, established in Roumelia and in other provinces of Turkey, the first Turkish plenipotentiary, Caratheodory Pasha, declared: "That any proposition

¹ Martens' *Nouveau Recueil Général*, Series II, Vol. 3, pp. 276-448.

concerning the free exercise of worship in the province of Eastern Roumelia seemed altogether superfluous, that province being on the point of being made subject to the authority of the Sultan, and in consequence, to the principles and to law common to all parts of the Empire, which established equal tolerance for all faiths."

Waddington apparently found justifiable this protest against the so-called oppression of the Christians, which Russia emphasized, so as to excuse before Europe the crushing of Turkey; in view of the declarations of the Turkish plenipotentiary, he asked for an adjournment of the discussion until the following day, so as to revise his proposition before submitting it to the Congress.

The discussion of the next day (June 26) is worth recalling:

"M. Waddington stated that in view of the declaration made yesterday by the Turkish plenipotentiary, and from which it appeared that the liberty of the Catholic faith remains guaranteed in Eastern Roumelia by the general laws of the Empire and by treaties and conventions, the French plenipotentiaries felt bound to present the following considerations:

As regards the additional article which they have presented, relating to the foreign Catholic religious orders, the French plenipotentiaries noted the principles of absolute liberty laid down yesterday by the Congress in favor of all communions and all faiths in Bulgaria, as well as of the declaration made, at the same meeting by the first Turkish plenipotentiary, namely, that in Eastern Roumelia, no violation of rights secured to foreigners in the Ottoman Empire will take place.

Lord Salisbury regretted that the plenipotentiaries of France do not follow up their proposition by extending their

tenor to all Turkey in Europe. In that his Excellency would have seen important progress realized.

M. Waddington answered that the progress of which Lord Salisbury spoke was gained by the acceptance, at yesterday's session, of the first French plenipotentiary's proposition which secured entire liberty of faith.

Lord Salisbury having remarked that this proposition concerned Bulgaria only, the president said that for his part, he wished that liberty of faith be required for all of Turkey, as much in Europe as in Asia, but he asked if the assent of the Ottoman plenipotentiaries could be obtained.

Bismarck well knew that it would be obtained; he evidently was anxious to accentuate, through the Ottoman plenipotentiaries their important declarations of the preceding day.

Caratheodory Pasha declared, that "in answering M. Waddington yesterday, he referred simply to the general legislation of the Ottoman Empire, as well as to their treaties and conventions. His Excellency added that the tolerance which all faiths in Turkey enjoyed admitted of no doubt, and that, in the absence of a more extended proposition, which would have to be explained, he believed he was right in considering it superfluous to make special mention of Eastern Roumelia.

The president stated that the Congress unanimously supported the wishes of France to take action on the declarations made by Turkey in favor of religious liberty."

Bismarck, in setting forth the declarations of Turkey, in order to support them, challenged those of Russia. In regard to Bulgaria, Count Schouvaloff would have put himself in ill-favor by denying to the Jews, in the Bulgarian provisions, the maintenance of religious liberty which they had enjoyed under the Turkish régime. Therefore he found it more politic

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to say that "the wish of Lord Salisbury to have religious liberty extended as far as possible in Europe and Asia seemed quite justifiable to him. His Excellency desired that, in the protocol, mention be made of his adherence to the wish of the English plenipotentiary, and he remarked that the Congress, having sought to efface ethnographic frontiers, and to replace them by commercial and strategical ones, the Russian plenipotentiaries wished all the more that these borders would not become religious barriers."

Summing up the declaration of Russia, the president resumed the debate by saying "that it would be entered in the protocol that the Congress unanimously acceded to the French proposition, and that the majority of the plenipotentiaries voted for the extension of liberty of faith."

There was no opposition. The French proposition, applicable to Bulgaria, extended logically to all the states for which the Congress was about to make regulations.

At the meeting of June 28, the Congress busied itself with Serbia. The Treaty of San Stefano had declared her to be independent. The president asked if this principle was admitted.

Caratheodory Pasha declared that Turkey would not oppose it, "being persuaded that this independence will be genuine and honest, that it will be assumed by the countries with the full consciousness of the rights, as well as the duties, which it imposes on them, for from thenceforth it must be respected, and Serbia will not lessen the security of public European order, which the bond of suzerainty had known how to create and maintain."

It was a good thing to remind Serbia of her duties; she disregarded them for a long time; but that was not enough.

Lord Salisbury intervened to say "that he favored recognizing the independence of Serbia, but thought it would be opportune to stipulate for the Principality, the great principle of religious liberty."

M. Waddington was still more explicit. He "admitted the independence of Serbia, but on condition that the vote of the proposition (which he read) be identical with that which the Congress had accepted for Bulgaria."

At this point, the opposition of Prince Gortschakoff was heard: "He feared that this text may have special reference to the Israelities, and without manifesting any opposition to the general principles that were laid down in it, his Most Serene Highness would not like to have the Jewish question, which will come up later, prejudged by a previous declaration. If the question was solely one of religious liberty, Prince Gortschakoff declared that it had always been applied in Russia; he, for his part, adhered entirely to this principle and would be ready to extend it in the largest way. But, if it was a question of civil and political rights, his Most Serene Highness asked that the Israelites of Berlin, Paris, London or Vienna, to whom there would be no question of refusing any political and civil rights, be not confounded with the Jews of Serbia, of Roumania, and of several Russian provinces, who were, in his opinion, a veritable scourge to the native peoples."

Prince Gortschakoff wanted religious liberty in Serbia to be such as it was in Russia, with the refusal of civil and political rights to those who practice a religion different from the State religion. His argument did not gain anything by being upheld by an attack on the Jews of Serbia, Roumania, and Russia. Europe remembered that the prince and ministers

of Serbia had spoken well of the Jews whom they oppressed. No one needed to defend them, but Bismarck gave himself the sly pleasure of becoming the defender of the Russian Jews against Gortschakoff, whom he did not like:

"The president," the minutes report, "remarked that it might be to the purpose to attribute this regrettable condition of the Israelites to the restrictions placed upon their civil and political rights."

This observation put Gortschakoff ill at ease; he found nothing better to do than to continue his attack upon his fellow-countrymen by saying that, in certain Russian provinces, the Government—under the impulse of an absolute necessity, justified by experience—had subjected the Israelites to an exceptional rule, in order to safeguard the interests of the population.

There was no better way of testing Waddington's proposition. The Congress understood it, and Waddington said, with that mixture of acuteness and force, with which he distinguished himself in the deliberations of the Congress: "That it was important to seize this solemn occasion to make the representatives of Europe affirm the principles of religious liberty. His Excellency added that Serbia, who wanted to join the European family on the same footing as the other States, ought first acknowledge the principles which form the basis of social organization in all the governments of Europe, and accepted them as a necessary condition of the favor which she solicited."

Perhaps the lesson was heeded by Gortschakoff; he weakened his previous declaration by saying that "civil and political rights could not be assigned to the Jews in Serbia in an absolute way."

Count Schouvaloff understood that Gortschakoff had not sufficiently weakened his first remarks; he said that "the remarks of the Prince did not constitute a fundamental opposition to the French proposition"; he considered it impolitic to let it be thought that Russia rejected what Waddington had called "the principles which are the basis of social organization in all the governments of Europe." He also added that "the Jewish element, which was excessive in certain Russian provinces, had been perforce the object of a special provision; but his Excellency hoped that, in future, it would be feasible to avert the unquestionable inconveniences pointed out by Prince Gortschakoff, without trenching upon religious liberty, which Russia wished to develop."

Then followed the declarations of Germany, Italy, Austria, and Turkey. Prince Bismarck adhered to the French proposition by declaring that "the assent of Germany is always given for every motion favorable to religious liberty."

Count de Launay said in Italy's name "that he was eager to adhere to the principle of religious liberty, which formed one of the essential bases of the institutions of his country, and that he joined in the declarations made by Germany, France and Great Britain."

The protocol stated that "Count Andrassy expressed himself as being of the same opinion and that the Ottoman plenipotentiaries did not raise any objection."

Prince Gortschakoff was completely defeated. Prince Bismarck took pains to emphasize the fact:

"After having ascertained the results of the vote, he declared that the Congress admitted the independence of Serbia, but on condition that religious liberty will be recognized in the Principality. His Serene Highness added that the Com-

mittee on Editing, in formulating this decision, would have to express the connection established by the Congress, between the proclamation of Serbian independence and the recognition of religious liberty."

On July 1, the status of Roumania came up for action, and after hearing her representatives briefly. Prince Bismarck asked the Congress "if it thought it proper to recognize the independence of Roumania, under what conditions it would make this important decision, and if the conditions had to be the same as those already established by the Congress for Serbia."

M. Waddington declared "that, faithful to the principles that had inspired them so far, the French plenipotentiaries asked that the Congress impose the same conditions on Roumanian independence as on Serbian independence. His Excellency did not overlook the local difficulties which exist in Roumania, but, after having carefully examined the arguments that can be turned to account in one way or another, the French plenipotentiaries deemed it preferable not to swerve from the grand rule of equality of rights and liberty of worship. It would be difficult, moreover, for the Roumanian government to reject, in its territory, the principle that Turkey had recognized for her own subjects. His Excellency thought that there was no reason to hesitate, that Roumania, asking to join the great European family, ought to accept the obligations, and even the drawbacks of the position, the benefits of which she claimed, and that for a long time there would not be found again an opportunity so solemn and decisive to affirm anew the principles which constitute the honor and security of civilized nations. As for the local difficulties, the first plenipotentiary of France deemed that they would be more easily surmounted

when these principles will have been recognized in Roumania, and when the Jewish race shall have learnt that it has nothing to hope for, but from its own efforts, and from the union of its interests with those of the indigenous population. M. Waddington closed by urging that the same conditions of political and religious order, determined on for Serbia, be equally imposed upon the state of Roumania."

Prince Bismarck was the first to support Waddington, "making allusion to the principles of public right embodied in the constitution of the German Empire and to the interest attached by public opinion to the application in their foreign policy, of the same principles observed in internal affairs, and he declared his adhesion, in the name of Germany, to the French proposition."

All the plenipotentiaries assented to this proposition. Count Andrassy accepted it as the others did. Lord Beaconsfield's declaration was particularly energetic. He said "that he gave his complete support, in the name of the English Government, to the French proposition. His Excellency could not suppose, for a moment, that the Congress would recognize the independence of Roumania apart from this condition."

The Italian plenipotentiaries made the same declaration. Even Russia supported the resolution, though she had opposed the similar clause regarding Bulgaria, and of course Turkey did, too, so that action was unanimous.

There was a sequel to this chapter of the history of the Congress. At the meeting of July 4, M. Ristitch, representing Serbia, advised the Congress that Prince Milan had authorized him to declare that the Serbian Government would seize the first opportunity, after the conclusion of peace, to abolish by legal means the last restrictions still existing in Serbia, relative

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to the position of the Jews. The president, without wishing to enter into an examination of the question, observed that the words "by legal means" appeared to be a reservation, to which he called the attention of the High Assembly. Prince Bismarck thought it right to declare that in no case can this reservation derogate from the authority of the decisions of the Congress.

At this meeting, another incident in regard to Lord Salisbury's proposition was brought to notice: "to apply to the Ottoman Empire the principles adopted by the Congress for Serbia and Roumania."

Was not this proposition made in order to get the first Turkish plenipotentiary to read a communication which he had just received from his Government? These were the terms thereof:

"In view of the declaration made in the Congress under various circumstances in favor of religious tolerance, you are authorized to state that the sentiments of the Sublime Porte on this point are entirely in harmony with the objects sought by Europe. Its most steadfast traditions, its secular policy, the instinct of its populations, all tend to this result. Throughout the whole Empire, religions widely differing are professed by millions of the Sultan's subjects, and no one has been annoyed in his faith or in the exercise of his creed. The Imperial Government is determined to maintain this principle in all its force, and to give it all the extension it admits of."

This was the protest of Turkey against the power that had conquered and crushed her. She did not wish that the safety of the Christians should be made the pretext for the war which the Congress ended, and which, without the intervention of Europe, would have resulted in her dismemberment.

Turkey agreed to the proposition of Lord Salisbury, but desired it to appear in the text that the principles in question expressed the legislation of that Empire, in contrast to that of Serbia and Roumania, and that the provisions were, "in conformity with the declarations of the Porte and with the previous stipulations, which it declared itself willing to maintain."

Lord Salisbury, after having remarked that these provisions have not always been observed in practice, accepted, and the Congress adopted the amendment of the Porte.

After their adoption, the decisions of the Congress were referred to the Committee on Editing. At the meeting of July 10, the reporter of this committee, M. Désprez, stated that the article dealing with equality of rights and freedom of religious worship had given rise to some difficulties in drafting, that this article applied equally to Bulgaria, Montenegro, Serbia, and Roumania, and that the Drafting Commission had to find a single formula to suit different situations; it was particularly difficult to make it include the Roumanian Jews, whose position was undetermined in point of nationality. He added that Count de Launay, "aiming to prevent any mistake, had suggested, in the course of the discussion, the insertion of the following phrase: 'The Jews of Roumania, in so far as they do not belong to a foreign nationality, acquire by full right Roumanian nationality.'"

M. de Launay wanted to prevent the difficulties that Roumania had already raised, and which she was about to aggravate, concerning the nationality of the Roumanian Jews; this phraseology certainly was better than that which had been adopted, and it would have prevented the very subterfuge

subsequently resorted to by Roumania to evade the provision as adopted.

But Prince Bismarck pointed out "the inconvenience which would attend the modifications of the resolutions adopted by the Congress and which formed the basis of the work of the Committee on Revision. It was necessary that the Congress oppose every attempt to revert to the original question."

M. Désprez added: "That the Committee had preserved the original version which seemed to it to be of a nature to conciliate all the interests concerned," and M. de Launay confined himself to asking for the insertion of his proposition in the protocol.

Prince Bismarck was right in fearing a new debate. In fact, Prince Gortschakoff "recalled observations he had made at a preceding session, in regard to the political and civil rights of the Jews in Roumania. He did not wish to renew his objections, but he desired to state again that he did not, on this point, share the opinions expressed in the treaty."

The final text of the treaty was more exact than its original version. For each of the four countries it was settled in the following terms:

"For BULGARIA. V. The following points shall form the basis of the public law of Bulgaria: The difference of religious creeds and confessions shall not be alleged against any persons as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions and honors, or the exercise of various professions and industries in any locality whatever. The freedom and outward exercise of all forms of worship are assured to all persons belonging to Bulgaria, as well as to foreigners, and no hindrance shall be offered either

to the hierarchical organization of the different communions or to their relations with their spiritual chiefs."

The same formula was used for Serbia, Montenegro, and Roumania, with one difference, that is, for those Governments, already existing, it was not said that these provisions should form the basis of their public law, but that their independence was recognized on the same condition. The provision as to Roumania (Article XLIV) added:

"The subjects and citizens of all the Powers, traders or others, shall be treated in Roumania without distinction of creed on a footing of perfect equality."

In the official letter of transmittal of the proceedings of the Congress to his Government, the Marquis of Salisbury expressly mentioned, as one of its main achievements, the clauses relating to religious liberty. He wrote: "Provisions having for their object to insure entire equality to all religions before the law, have been applied to all the territories affected by the Treaty." It is interesting to observe that Gladstone, despite his vigorous opposition to most of the conclusions of the Congress of Berlin, expressly approved in Parliament of the provisions for Jewish emancipation (Hansard's Debates, third series, vol. 242, p. 678). The biographers of both Gladstone and Beaconsfield ought to note the interesting circumstance that, despite the severe attacks exchanged between these two leaders at this period, Gladstone, in answer to an inquiry regarding the above-described address, wrote a letter to *The Jewish Chronicle* (published in its issue for August 16, 1878), in which he said: "My words described Lord Beaconsfield's conduct about Jewish disabilities as honorable to him, as I think it, and I was glad of an opportunity of so describing it."

Thus both the Conservative and Liberal leaders in England expressly approved of these provisions.

Of the four Balkan states involved, Serbia, Bulgaria, and Montenegro loyally carried out these provisions, but Roumania began a new epoch of violation and evasion thereof, despite representations from the Powers, and Secretary Hay's famous Roumania note of July 17, 1902 (*Foreign Relations of the United States for 1902*, p. 1910), and her persecutions became worse and worse as time ran on.

Lord Salisbury's remarks on July 24, 1879, as Secretary of State for Foreign Affairs, about the applicability to the Jews of Roumania of these provisions of the Treaty of Berlin, to a delegation of representatives of British Jews, led by Baron Henry de Worms, are particularly apt:

"I do not think that Baron de Worms has in the least degree exaggerated the evils of the state of things which has hitherto existed in Roumania. These evils attracted the attention of the Powers at Berlin and they adopted the somewhat unusual, if not unprecedented, course of making their recognition of a great political change dependent upon certain modifications of the internal laws of the country. It was a great homage to the principles which all the civilized nations of Europe now recognize, and it was a very solemn international act from which I do not think the Powers will recede. . . . The fact that she (Roumania) came under the guardianship of the Powers of Europe as a whole, and that her practical internal independence was secured to her by a diplomatic act was, as Baron de Worms says, the result of the blood which England and France and Italy shed in the Crimea."

THE BUCHAREST PEACE CONFERENCE

The Balkan Wars of 1912-1913 were terminated by a Conference that met at Bucharest in the latter year, and again the Government of the United States, though not officially represented, brought up the question of securing full and equal rights for the Jews. According to the official protocol (Martens' *Nouveau Recueil Général de Traités*, III Series, Vol. 8, pp. 31-2), on August 5, 1913, the question was raised at the Peace Conference by a communication from the United States Government, expressing the hope that a provision would be introduced into the treaty, "according full civil and religious liberty to the inhabitants of any territory subject to the sovereignty of any of the five Powers, or which might be transferred from the jurisdiction of any one of them to that of another."

M. Majoresco, the chief Roumanian plenipotentiary, expressed the opinion that such a provision was unnecessary, "as the principle inspiring it had long been recognized, in fact and in law, by the public law of the Constitutional States represented at the Conference," but he added that he was willing to declare, on behalf of the plenipotentiaries, that "the inhabitants of any territory newly acquired will have, without distinction of religion, the same full civil and religious liberty as all the other inhabitants of the state." In this view the other plenipotentiaries concurred.

On October 13, 1913, the London Board of Deputies of British Jews and the Anglo-Jewish Association addressed a joint memorial to Sir Edward Grey, urging that new affirmative guarantees be secured, and pointing out that Roumania had repeatedly ignored and repudiated similar assurances, as in fact she has done since then, also, in this particular instance.

Sir Edward Grey directed this memorial to be answered by an important letter, reading:¹

“The articles of the Treaty of Berlin to which you refer are in no way abrogated by the territorial changes in the Near East, and remain as binding as they have been hitherto, as regards all territories covered by these articles at the time when the treaty was signed. Her Majesty’s Government will, however, consult with the other Powers as to the policy of reaffirming in some way the provisions of the Treaty of Berlin for the protection of the religious and other liberties of the minorities referred to, when the question of giving formal recognition by the Powers to the recent territorial changes in the Balkan peninsula is raised.”

THE ALGECIRAS CONFERENCE

For convenience, chronological order was abandoned, in order to complete consideration of the Jewish question in the Balkans. Meantime, however, the Algeciras Conference met in 1906, to establish administrative and other reforms in Morocco. Elihu Root, U. S. Secretary of State, issued strong instructions, by direction of President Roosevelt, to Ambassador White, the senior representative of the United States at this Conference, directing him to urge upon the conference “the consideration of guarantees of religious and racial tolerance in Morocco,” and in the course of them, wrote, under date of November 28, 1905:²

“Concurrent testimony positively affirms the intolerance of the Mohammedan rule in that country toward non-Mussul-

¹ *Jewish Chronicle*, Nov. 7, 1913.

² *Foreign Relations of the U. S. for 1905*, p. 680.

mans in all that concerns their lives, avocations, and creeds. Jews, especially, appear to suffer from painful and injurious restrictions. I have been furnished by Mr. Jacob H. Schiff with a statement of the existing restrictions upon Moroccan Jews living in other than the harbor towns, the details of which appear well-nigh incredible, and utterly at variance with any sound theory of the relation between the governing and governed classes. Were an American citizen, Jew or gentile, to suffer a tithe of such proscriptions in Morocco, it would be impossible for this government to shut its eyes to their existence; and it is equally hard now to ignore them, when we are called upon to enter, with Morocco as with other powers, upon the examination of schemes for bettering the relations of the Shereefian empire with the countries to which it is bound by treaty engagements. It is alike the part of prudence and good will, on the one side as on the other, to restrain the spirit of intolerance and preclude the development of its effects into antagonism between all Mohammedans and non-Mohammedans. The powers are, it would seem, interested in seeking equality of privilege for their nationals and national interests in Morocco—not in emphasizing by the contrast of treaty discriminations in their favor, the class restrictions which weigh upon the natives. To do so would but fan the popular prejudice and increase the spirit of resentment towards aliens. It is, moreover, evident that these restrictions operate to contract the field of commercial intercourse by barring a notable part of the population of Morocco from the open door of equal intercourse which we are so anxious to see established, and by hampering the channels of barter and the opportunities of consumption and supply.

It is also evident that reform in this regard is of equal importance from the point of view of internal order and security, a matter provided for in the programme submitted for consideration by the conference. The first subject concerns the adequate policing of the interior of Morocco through an international agreement. Effective policing means and requires such change in internal conditions as will smooth away the class and caste impediments to a beneficial intercourse, remove the prejudices that exist against aliens, and render the people of Morocco receptive to the broad influences of friendly international intercourse. If on no other grounds, the measures advocated in this instruction should necessarily commend themselves to the good judgment of the conferees, because essentially contributory to the success of any practical scheme of interior police in Morocco."

The official proceedings of the Conference show that all the Powers joined the United States in adopting a resolution to this effect. The official protocol of April 2, 1906, contains the following passage:¹

"His Excellency, Mr. White (U. S.) made the following statement: The government of the U. S. of America has always considered it as a duty to associate itself with everything that could contribute to the progress of the ideas of humanity and to assure due respect to all religious beliefs. Animated by these sentiments and by the friendship that has so long existed between it and the Moroccan Empire, whose development it followed with profound interest, my government has charged me to invoke the co-operation of the Conference, now that it is on the point of finishing its work,

¹ *Nouveau Recueil Général de Traités*, II Series, Vol. 34, Pt. 1, pp. 229-230.

regarding the expression of wishes for the welfare of the Israelites of Morocco. I am happy to aver that the condition of the Jewish subjects of his Shereefian Majesty has been much improved during the reign of the late Sultan Mouley-El-Hassan, and that the Sultan himself came forward, as often as he was able, in order to have them treated with equality and kindness. But the agents of Makhzen in the sections of the country removed from the Central power, did not always sufficiently inspire the sentiments of tolerance and of justice which their sovereign loved. The American Delegation urges the Conference to be willing to propose the vote, that H. Shereefian Majesty continue in the good work inaugurated by his father and maintained by His Majesty himself in reference to his Jewish subjects, and that he see to it that his government does not neglect any occasion to make known to its functionaries that the Sultan maintains that the Jews of his Empire and all his subjects, without distinction of faith, should be treated with justice and equality.

His Excellency, Sir Arthur Nicolson (Great Britain) said that, conformably with the instructions of his Government, he is happy to join in the proposition of the first delegate of the United States.

His Excellency, the Duke of Almodovar del Rio (Spain) expressed himself in these terms:

I approve, in the name of his Catholic Majesty, of the high sentiments of religious tolerance that his Excellency, the first delegate of the United States, has just expressed, and I rally all the more to the support of his proposition because the fate of the Jewish population of Morocco,—united to Spain by ties of lineal descent, and whose accustomed language continues to be the Castilian tongue, that was but lately that of

their ancestors,—is particularly interesting to the Spanish people of to-day.

Their Excellencies, MM. de Radowitz (Germany) and Revoil (France) also joined in supporting the resolution of the first delegate of the United States. His Excellency, the Marquis Visconti-Venosta (Italy) declared that he favored the motion which his Excellency, the first Delegate of the United States, had proposed. He admitted that, in very recent times, the Sovereigns of Morocco had given proof of tolerance to their non-Mussulman subjects; but it was not any the less to be desired that the condition of the Jews in the interior of the Empire be put on a level and surrounded with the same guarantees as in the cities and ports of the coast. The Conference, in the course of its work, was always occupied with the progress and prosperity of Morocco; it remained faithful to the same spirit in expressing to His Majesty, the Sultan, the wish that all his subjects, whatever their religion, be destined to enjoy the same rights, as well as the same treatment before the law, and that the orders that his Shereefian Majesty had given or will give to that effect be faithfully executed. The assent of Italy is always accorded for the affirmation of the principle of religious liberty, which is one of the bases of its political and social institutions.

His Excellency, Baron Joostens (Belgium) declared that the Belgium Delegation approved entirely of the declaration which His Excellency, the Marquis Visconti-Venosta, had just made.

Their Excellencies, le Jonkheer Testa (Netherlands) Count Cassini (Russia) and Mr. Sager (Sweden), also approved the sentiments expressed by the first delegates of the United States and of Italy.

The resolution proposed by His Excellency, Mr. White, was unanimously adopted by the delegates of the Powers.

Their Excellencies, the Moroccan Delegates, explained that they would not fail to make known this decision to the Sultan, who certainly will have the heart to proceed in the case the same way as his late father did.

His Excellency, Mr. White (U. S.) thanked the delegates of the Powers for their support, which responds entirely to the views of the Government of the United States and to the personal sentiment of President Roosevelt."

In this same spirit Article 8 of the treaty adopted was broadened so as to provide for police reports to the dean of the diplomatic corps concerning "the safety of person and property of foreign subjects and the safety of commercial intercourse." (34 U. S. Stat. at Large, pp. 2905-47.)

It is thus apparent that we have an almost unbroken chain of precedents for consideration at great peace conferences, since the Congress of Vienna of 1814-15, of measures for securing equality of rights for all creeds, where germane to the deliberations of the Congress, and liberty of conscience and equality of rights, regardless of creed, have become principles of international law.



